

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

TEXAS LEAGUE OF UNITED LATIN  
AMERICAN CITIZENS; NATIONAL LEAGUE  
OF UNITED LATIN AMERICAN CITIZENS;  
LEAGUE OF WOMEN VOTERS OF TEXAS;  
RALPH EDELBACH; BARBARA MASON;  
MEXICAN AMERICAN LEGISLATIVE  
CAUCUS, TEXAS HOUSE OF  
REPRESENTATIVES; and TEXAS  
LEGISLATIVE BLACK CAUCUS;

Plaintiffs,

v.

GREG ABBOTT, in his official capacity as  
Governor of Texas; RUTH HUGHS, in her official  
capacity as Texas Secretary of State; DANA  
DEBEAUVOIR, in her official capacity as Travis  
County Clerk; CHRIS HOLLINS, in his official  
capacity as Harris County Clerk; and JOHN W.  
OLDHAM, in his official capacity as Fort Bend  
County Elections Administrator;

Defendants.

CIVIL ACTION NO. 1:20-cv-01006-RP

**MOTION TO STRIKE EXHIBITS TO PLAINTIFFS' MOTION FOR TEMPORARY  
RESTRAINING ORDER AND PRELIMINARY INJUNCTION**

State Defendants lodge the following objections to certain exhibits filed by Plaintiffs attached to their motion for temporary restraining order and preliminary injunction and request that the Court strike them from the record.

Exh. No.	Title	Objection
10	Declaration – Edelbach, R.	<p>¶ 2: FRE 602 – Lack of personal knowledge regarding delays at the United States Postal Service (USPS).</p> <p>¶ 7: FRE 602/701 – Lack of personal knowledge and understanding regarding lines at the Harris County delivery location and whether the location will be able to accommodate “every absentee voter who is returning their ballot in person.”</p> <p>¶ 9: FRE 602/701/901 – Lack of foundation and lack of personal knowledge as to potential wait times at the Harris County delivery location and the reliability of the USPS.</p>
11	Declaration – Mason, B.	<p>¶ 2: FRE 602 – Lack of personal knowledge regarding delays at USPS</p> <p>¶ 3: FRE 602/701 – Lack of personal knowledge and understanding as to whether the Travis County delivery locations will “be able to accommodate every absentee voter who is returning their ballot in person.”</p> <p>¶ 6: FRE 602/701 – Lack of personal knowledge as to potential wait time the Travis County delivery location and the reliability of the USPS.</p>
12	Declaration – Golub, J.	<p>¶¶ 4-6: FRE 602/901 – Lack of foundation and lack of personal knowledge as to whether Governor Abbott’s October 1, 2020 proclamation introduced uncertainty into the election process and whether, if at all, the proclamation impacts the likelihood that a given vote will be counted.</p> <p>¶¶ 8, 10: FRE 602/701 – Lack of personal knowledge and understanding as to whether and how recent changes at USPS impacted declarant’s mail.</p> <p>¶ 11: FRE 602/701 – Lack of personal knowledge and improper opinion regarding the precise experience “hundreds of thousands of voters in Harris County” will have in delivering their ballots.</p>

17	Declaration – Chimene, G.	<p>¶ 8: FRE 602/701/802 – Lack of personal knowledge and understanding as to what other undisclosed members of the League of Women Voters Texas (LWVTX) will need to have their votes timely received and counted; hearsay as to any communications with other LWVTX members about their voting plans or experiences with the USPS.</p> <p>¶ 10: FRE 602/701/802 – Hearsay as to any communications with other LWVTX; lack of personal knowledge as to the ability to find parking and the length of line at the Harris County delivery location.</p> <p>¶ 11: FRE 602/701/802 – Lack of personal knowledge and understanding as to the logistical plan at the Harris County delivery location; hearsay regarding communications with other LWVTX members.</p> <p>¶¶ 13-14, 16: FRE 602/701 – Lack of personal knowledge and understanding as to the impact of the Governor’s October 1 proclamation and whether the USPS is experiencing delays.</p>
18	Declaration – Berg, T.	<p>¶ 2: FRE 602/802/901 – Hearsay; lack of foundation regarding reports that previous exposure to Covid-19 may not protect people from being re-infected.</p> <p>¶ 4: FRE 602; 802 – Lack of personal knowledge as to what national management at USPS wanted with regard to voter registration cards; hearsay as to any understanding declarant acquired during conversations and communications with employees at the local post office.</p> <p>¶ 9: FRE 602/701 – Lack of personal knowledge and understanding as to whether “everyone else like [declarant]” will choose to go to in-person delivery location rather than placing their ballot in the mail.</p> <p>¶ 12: FRE 602/701 – Lack of personal knowledge and understanding regarding the risk of voter fraud at the Harris County delivery location.</p>

**PRAYER**

State Defendants respectfully request that the Court sustain Defendants' objections to the above listed exhibits and strike them from the record in this case.

Date: October 8, 2020

KEN PAXTON  
Attorney General of Texas

Respectfully Submitted.

/s/ Patrick K. Sweeten  
PATRICK K. SWEETEN  
Associate Deputy for Special Litigation

TODD LAWRENCE DISHER  
Deputy Chief for Special Litigation

WILLIAM T. THOMPSON  
Special Counsel

ERIC A. HUDSON  
Special Counsel

KATHLEEN T. HUNKER  
Special Counsel

OFFICE OF THE ATTORNEY GENERAL  
P.O. Box 12548 (MC-009)  
Austin, Texas 78711-2548  
Tel.: (512) 936-1414  
Fax: (512) 936-0545  
patrick.sweeten@oag.texas.gov  
todd.disher@oag.texas.gov  
will.thompson@oag.texas.gov  
eric.hudson@oag.texas.gov  
kathleen.hunker@oag.texas.gov

**COUNSEL FOR THE GOVERNOR OF TEXAS AND  
THE TEXAS SECRETARY OF STATE**

**CERTIFICATE OF CONFERENCE**

I certify that on October 8, 2020, I conferred with counsel for Plaintiffs about the foregoing motion. Plaintiffs oppose.

/s/ Patrick K. Sweeten

PATRICK K. SWEETEN

**CERTIFICATE OF SERVICE**

I hereby certify that on October 8, 2020, I electronically filed the foregoing document through the Court's ECF system, which automatically serves notification of the filing on counsel for all parties.

/s/ Patrick K. Sweeten

PATRICK K. SWEETEN